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January 11, 2005

BY ECF AND MAIL

Judge John Gleeson
United States District Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Kurzberg, et al. v. Ashcroft, et al.*
Docket no. 04 Civ. 3950 (JG) (CP)

Dear Judge Gleeson,

We represent the plaintiff in the above referenced matter.

Since this action was filed on September 13, 2004, we have made efforts to serve the defendants. Unfortunately, this has proven to be more difficult than we anticipated, as we have had to locate far flung defendants for purposes of service, and make arrangements to serve them. This has been hampered by the fact that for some of the defendants, we only have partial names, and for some we believe the names we have might be slightly misspelled. To date, we have dispatched service by mail to all the defendants, and arrangements for a process server to serve those who have not returned the waiver of service form pursuant to FED. R. CIV. P. 4(d) are under way.

Plainly, we will not be able to complete service on all the defendants within the 120 day period provided by FED. R. CIV. P. 4(m).

Accordingly, we respectfully request that these plaintiffs be afforded an additional 60 days to complete service of process. This Court has authority to do so pursuant to FED. R. CIV. P. 4(m), which provides that "if the plaintiff shows good cause for the failure [to effect service within the 120 day period] the court shall extend the time for service for an appropriate period." *Id.* (Emphasis added). We respectfully submit that

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our efforts to effect service, and the complexity of serving the numerous defendants in this case, warrant the modest extension we are requesting.

Respectfully yours,

Robert J. Tolchin,
Of Counsel